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Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Written statement* submitted by the Asian Legal Resource Centre, a non-governmental organization in general consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[15 February 2016]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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INDONESIA: No effective judicial process or remedy for victims of summary executions

1. Although Indonesia's Constitution guarantees the right to life, the Asian Legal Resource Centre (ALRC) wishes to inform the UN Human Rights Council that summary executions occur frequently in Indonesia. The targets are most often indigenous people and human rights defenders.

2. Over the past year, the ALRC's sister organization, the Asian Human Rights Commission (AHRC), has documented and reported ten cases of summary executions in Indonesia. A majority of these crimes occurred against rights defenders in the mining and plantation sectors, while others occurred due to lack of protection to local indigenous inhabitants, facing loss of control over land and resources. The lack of active law enforcement in these cases has strengthened impunity.

3. Amongst the cases of summary executions of human rights defenders fighting for land rights and environment documented by the AHRC is that of Mr. Indra Pelani (22), a land rights activist from Pelayang Tebat Village, Lubuk Mandrasah Sub-District, Tebo Regency, Jambi Province, Indonesia. On 27 February 2015, Mr. Indra was summarily killed by the security of Wira Karya Sakti Company (also known as PT WKS) (AHRC-HAC-004-2015).

4. Many of the perpetrators in these summary killings are State law enforcement agents. This is so in the murder of Mr. Jopi Teguh Lasmana Peranginangin (39), an environmental activist, who used to work with the Indigenous People's Alliance of the Archipelago (AMAN). He was murdered by Indonesian Navy personnel due to his campaign against a plantation company that confiscated land from local farmers (AHRC-UAC-080-2015). The investigation into his murder conducted by the Navy military police has only named one Navy personnel as a suspect, even though according to witnesses there were more than five perpetrators. Investigators have not shown serious intent to solve the case.

5. The attack on Mr. Salim and Mr. Tosan in Selok Awar-awar Village, Lumajang Regency, East Java Province is another example of the danger posed to land rights activists (AHRC-UAC-130-2015). On 26 September 2015, the two activists were attacked by thugs. These men were ordered and supported by the Head of Selok Awar-Awar Village, Mr. Hariyono, and police officers of Pasiran Police Sector. The attack resulted in the death of Mr. Salim, while Mr. Tosan was seriously injured and subsequently admitted to a local hospital.

6. The AHRC has also documented and reported on the persecution and murder of local indigenous Papuans by the Indonesian security forces. Most of these cases have yet to be properly investigated and prosecuted. For instance, the Paniai case of 8 December 2014, in Paniai Regency, Papua Province, where security forces brutally attacked and shot indigenous Papuans, resulted in the death of five students and injuries to 17 others (AHRC-UAC-089-2015). Despite the fact that the National Commission on Human Rights (Komnas HAM), on 7 May 2015 announced the establishment of a pro justitia investigation team under law No. 26 of 2000 on the Human Rights Court, until now no notable progress has been made. Last year, the Commission had stated that it faced budget difficulties that prevented it from even starting the investigation.

7. Since the Paniai case in Papua, the ALRC has noted that summary executions have occurred repeatedly. On 25 June 2015, police officers of Tigi Police Sector, Deiyai Regency, Papua Province, shot 10 Papuan youths, killing one, 19-year-old Yoteni Agapa (AHRC-UAC-090-2015). Subsequently, on 8 September 2015, police officers of the Tolikara Police Resort forcibly dispersed protesters of a local church congregation by shooting at them, resulting in the death of an elementary school student (AHRC-UAC-106-2015). In another case, police officers in Petra, Timika, Papua Province, were searching for a youth group allegedly creating public chaos in Petra on September 28. Ignoring proper investigation procedure, the police officers brutally shot at local residents, resulting in the death of 18-year-old Kalep Zera Bagau (AHRC-UAC-128-2015).

8. The above details reveal that Indonesia does not have a strong and comprehensive policy to ensure protection for human rights defenders and indigenous people who are subjected to murder and other human rights violations.

Furthermore, the law enforcement is not effective; most of the cases remain unpunished. In a few of them investigations are initiated, but mostly without tangible results; in only a very small number of cases, do we find light punishment.

9. Considering the repeated summary executions occurring in Indonesia and the absence of law enforcement, the ALRC respectfully requests the Human Rights Council to:

   a. Urge the Indonesian government to properly investigate all cases of summary killings, guarantee their non-recurrence, and provide remedy for victims and their families.

   b. Urge the government to fully support the National Commission on Human Rights to continue its pro justitia investigation in the Paniai case.

   c. Ensure that the government consistently implements constitutional provisions regarding protecting the right to life of all peoples, particularly indigenous peoples.